

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**JEAN JOSEPH CORTEZ and wife,  
KRISTIN CORTEZ  
Plaintiffs,**

**VS.**

**EMC MORTGAGE LLC, F/K/A  
EMC MORTGAGE CORPORATION,  
VANTIUM CAPITAL, INC. DBA  
ACQURA LAOND SERVICES LLC,  
Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 4:12CV376-RAS-DDB**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

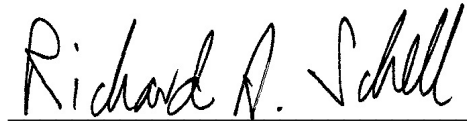
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 8, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Defendant EMC Mortgage LLC's Motion to Dismiss (Dkt. 5) be GRANTED, that Plaintiffs' claims against Defendant EMC Mortgage LLC be dismissed with prejudice, that Plaintiffs' claims against Defendant Vantium Capital, Inc. be dismissed without prejudice for want of prosecution, and that this matter be closed on the court's docket.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant EMC Mortgage LLC's Motion to Dismiss (Dkt. 5) is

GRANTED, Plaintiffs' claims against Defendant EMC Mortgage LLC shall be dismissed with prejudice, Plaintiffs' claims against Defendant Vantium Capital, Inc. shall be dismissed without prejudice for want of prosecution, and this matter shall be closed on the court's docket.

**IT IS SO ORDERED.**

**SIGNED this the 28th day of March, 2013.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written in a larger, more prominent script, followed by "A." and "Schell". The signature is positioned above a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE